

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 1055**

**Introduced by Senator Bowen**

February 22, 2005

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~~An act to add Section 6066.1 to the Revenue and Taxation Code, relating to taxation. An act to amend Section 22200 of the Education Code, relating to teachers' retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1055, as amended, Bowen. ~~Sales and use taxes: seller's permits~~ *Teachers' Retirement Board.*

*The State Teachers' Retirement Law establishes the procedures by which members of the Teachers' Retirement Board are selected. Pursuant to those procedures, the Governor is authorized to appoint 5 persons for a term of 4 years, subject to Senate confirmation, as specified.*

*This bill would provide that confirmation by the Senate shall occur within a 90-day period. The bill would additionally prohibit persons appointed by the Governor from sitting on the board or voting on any proposal before the board until after being confirmed by the Senate.*

~~The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. Existing law requires every person who desires to engage in or conduct business as a seller to file with the board an application for a permit for each place of business, as specified.~~

~~This bill would require a seller that authorizes an agent to apply for a seller's permit on behalf of that seller to submit a copy of the authorization to the board, if the board so requests.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 6066.1 is added to the Revenue and~~  
2     ~~Taxation Code, to read:~~

3     *SECTION 1. Section 22200 of the Education Code is*  
4     *amended to read:*

5     22200. (a) The plan and the system are administered by the  
6     Teachers' Retirement Board. On and after January 1, 2004, the  
7     members of the board are as follows:

8         (1) The Superintendent of Public Instruction.

9         (2) The Controller.

10        (3) The Treasurer.

11        (4) The Director of Finance.

12        (5) Three persons who are either members of the Defined  
13     Benefit Program or participants in the Cash Balance Benefit  
14     Program, as follows:

15        (A) One person who, at the time of election, is an active  
16     member of the Defined Benefit Program or an active participant  
17     of the Cash Balance Benefit Program employed by a school  
18     district that provides instruction for grades K to 12, inclusive, or  
19     a county office of education, in a position other than a school  
20     administrator that requires a services credential with a  
21     specialization in administrative services. This member shall be  
22     elected by the active members of the Defined Benefit Program  
23     and active participants of the Cash Balance Benefit Program who  
24     are employed by a school district that provides instruction for  
25     grades K to 12, inclusive, or county office of education, pursuant  
26     to regulations adopted by the board, for a four-year term  
27     commencing on January 1, 2004.

28        (B) One person who, at the time of election, is an active  
29     member of the Defined Benefit Program or an active participant  
30     of the Cash Balance Benefit Program employed by a school  
31     district that provides instruction for grades K to 12, inclusive, or  
32     a county office or education. This member shall be elected by the  
33     active members of the Defined Benefit Program and active  
34     participants of the Cash Balance Benefit Program who are  
35     employed by a school district that provides instruction for grades  
36     K to 12, inclusive, or a county office of education, pursuant to  
37     regulations adopted by the board, for a four-year term  
38     commencing on January 1, 2004.

(C) One person who, at the time of election, is a community college instructor and an active member of the Defined Benefit Program or an active participant of the Cash Balance Benefit Program employed by a community college district, who shall be elected by the active community college members of the Defined Benefit Program and the active community college participants of the Cash Balance Benefit Program, pursuant to regulations adopted by the board, for a four-year term commencing on January 1, 2004.

(6) Five persons appointed by the Governor for a term of four years, subject to confirmation by the Senate *within 90 days*, as follows:

(A) One person who, at the time of appointment, is a member of the governing board of a school district or a community college district.

(B) One person who is either a retired member under this part or a retired participant under Part 14 (commencing with Section 26000).

(C) Three persons representing the public, whose terms shall be staggered by varying the first terms of these members, as follows:

(i) One person to a term expiring December 31, 2005.

(ii) One person to a term expiring December 31, 2006.

(iii) One person to a term expiring December 31, 2007.

(b) A person who is employed to perform creditable service by a community college district and either a school district that provides instruction for kindergarten through grade 12 or a county office of education may only be elected to the position on the board that corresponds to the position in which they accrued the most service credit during the prior school year.

(c) The members of the board shall annually elect a chairperson and vice chairperson.

*(d) Persons appointed to the board pursuant to paragraph (6) of subdivision (a) shall not sit on the board or vote on any proposal before the board until after being confirmed by the Senate.*

~~6066.1. Upon request by the board, a seller that authorizes an agent to apply for a seller's permit on behalf of that seller shall submit a copy of the authorization to the board.~~

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